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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,931	04/15/2004	Thomas A. Gentles	1842.048US1	7554

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EXAMINER	
MCCULLOCH JR, WILLIAM H	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,931	GENTLES ET AL.	
	Examiner	Art Unit	
	William H. McCulloch	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-16 and 18-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-16 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/22/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to amendments received 9/2/2008. Claims 7-16 and 18-20 are pending in the application, with claims 7-10, 15, 18 and 19 currently amended, and claims 1-6 and 17 now cancelled.

Information Disclosure Statement

2. The information disclosure statement (IDS) with mailroom date 9/22/2008 was filed in compliance with the provisions of 37 CFR 1.97-1.98. Accordingly, the Examiner has considered the information disclosure statement.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 7-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2003/0069074 to Jackson (hereinafter Jackson) in view of U.S. 2002/0116615 to Nguyen et al. (hereinafter Nguyen).

Regarding claims 7-10, Jackson teaches a method comprising:

- Receiving unapproved gaming software by a game server of a secure gaming system (e.g., receiving a configured game layer at controller 606; see at least par. 177);
- Forwarding, using one of a plurality of secure communication links within a communication network, the unapproved gaming software to a jurisdiction lab

of the secure gaming system, the jurisdictional lab configured to test compliance of the unapproved gaming software with a plurality of jurisdictional regulations and policies (e.g., a gaming official checking the game 402 via the "other user interface 614"; see at least par. 178);

- Receiving a message indicating a notification of approval of the (previously) unapproved gaming software from the jurisdiction lab, the notification of approval indicating compliance of the unapproved gaming software with the plurality of jurisdictional regulations and policies (e.g., a gaming official authorizing use of the game 402 and the gaming system 400; and transfer of the game layer to the gaming system 400 from the user interface 614; see at least par. 178); and
- Changing a status of the unapproved gaming software to form approved gaming software, the approved gaming software having an approval identifier (shown by the above teaches of par. 178).

Jackson teaches the invention substantially as described above, but lacks in explicitly teaching receiving a request to purchase a license for the approved gaming software and receiving payment for the license prior to distribution of the software, and a plurality of corporate game servers. In a related disclosure, Nguyen teaches a gaming system wherein a request is received to purchase a license for gaming software and forwarding the gaming software to a gaming device owned by the holder of the license (see at least pars. 125-131 and Figs. 8-9). Nguyen further demonstrates making gaming software available for download to one or more of a plurality of

corporate game servers (e.g., gaming software distributor 53). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Jackson to include features of Nguyen in order to "provide gaming software downloading methods for gaming machines that allow gaming software to be transferred electronically to the gaming machines from a remote location in a secure manner that satisfies regulatory requirements of the gaming jurisdiction where the gaming machine is located," as is favorably taught by Nguyen in at least paragraph 16.

Regarding claim 11, Jackson teaches wherein the unapproved gaming software comprises gaming software compiled by a game provider (e.g., the controller 606 assembles game layer or program 402; see at least par. 177). Jackson does not explicitly teach that the game provider tests the software. Regardless, it was well within the level of ordinary skill in the art at the time of invention to test software before it is deployed to a working system in order to ensure that it is functional.

Regarding claim 12, Jackson teaches wherein each of the plurality of secure communication links includes a security element including a dedicated communication link by the teaching of an intranet (see at least par. 179).

Regarding claim 13, Nguyen teaches secure communication links having a cryptographic protocol including a public-key cryptography protocol in at least paragraphs 140-142.

Regarding claims 14 and 18-20, Jackson teaches a gaming system and computer readable medium comprising structures or instructions for: a first server (e.g., controller 606) operable to forward a copy of an unapproved gaming software program

to a jurisdiction lab system (e.g., other user interface 614) and further operable to receive a message from the jurisdictional lab system that the unapproved gaming software is in compliance with a plurality of jurisdiction regulations and policies and in response to the message to change the status of the unapproved software to form an approved gaming software program (see at least pars. 177-178).

Jackson lacks in explicitly teaching wherein the first server receives a request from a requestor for a license to use the approved gaming software program. Nguyen teaches a server receiving a request, over a communication network, from a requestor for a license to use a gaming software program, receives an indication of payment for the license, and downloads the approved gaming software program to the requestor in response to the indication of payment (see at least pars. 125-131 and Figs. 8-9). One of ordinary skill in the art at the time of invention would have been motivated to incorporate the teachings of Nguyen into the system of Jackson for the reasons given above with regard to claim 10.

Regarding claims 15-16, Nguyen teaches a second server as a requestor, which is communicatively coupled to the first server over the communication network, wherein the second server subsequently downloads the approved gaming software program to one or more gaming terminals, which ultimately receive and execute the approved gaming software (e.g., gaming software is downloaded from the gaming software content provider 51 to the gaming software distributor 53, and then subsequently downloaded to one or more gaming machines 54; see at least Fig. 9 and descriptions thereof).

Response to Arguments

5. Applicant's arguments with respect to the rejection of claims 7-8 and 14-19 under 35 U.S.C. §102 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's arguments with respect to rejections under 35 U.S.C. §103 have been fully considered but they are not persuasive.

Applicant argues on pages 9-10 that neither Jackson nor Nguyen discloses a game provider system that receives communications from a lab system that authorizes a previously unapproved gaming software program and where the gaming provider system then makes the now authorized gaming software program available to corporate game servers. The Examiner respectfully disagrees. As is described above, Jackson teaches a lab system that authorizes previously unapproved gaming software in at least the teaching related to the "other user interface 614" being representative of a gaming official checking the game and authorizing its use. See paragraph 178 of Jackson. Furthermore, Nguyen teaches a gaming provider system that makes available gaming software to corporate game servers. For instance, Nguyen teaches a Gaming Software Content Provider 51 that may provide gaming software to Gaming Software Distributor 53 after payment of a licensing fee. The Gaming Software Distributor 53 may then distribute the gaming software to Gaming Machines 54 and 55. See at least paragraphs 125-131 and Figure 9 of Nguyen.

Applicant goes on to argue that neither Nguyen nor Jackson disclose exchanging message communications to indicate approval of a gaming software program. The

Examiner notes that Jackson teaches such in paragraph 178, as was referenced above. Jackson explicitly states that a gaming official authorizes use of the game software and the gaming system. Clearly, if the gaming official is to approve or disapprove of gaming software, that decision must be transmitted to the gaming developer. Otherwise, the system of Jackson would not be operable for its intended purpose. Furthermore, Jackson teaches that the device used by the gaming official is attached via a communication link to the gaming development server (see Fig. 11). No other communication medium is necessary to the system of Jackson, and therefore the indication of approval (or disapproval) must be sent via the communication link.

In view of the above explanations, the claimed invention is obvious in view of the cited prior art.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. H. M./
Examiner, Art Unit 3714
1/16/2009

/Peter DungBa Vo/
Supervisory Patent Examiner, Art Unit 3714